

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : N. Osterrieder et al.) Art Unit: 1648
U.S. Appln. No. : To be assigned) Examiner: S. A. Foley
Confirmation No. : To be assigned
U.S. Filing Date : February 5, 2004
Title of Invention : Artificial Chromosomes Comprising EHV Sequences
Attny. Docket No. : 1/1199-1-C1

Mail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

February 5, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

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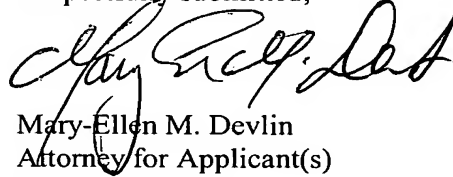
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☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

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Respectfully submitted,



Mary-Ellen M. Devlin
Attorney for Applicant(s)
Reg. No. 27,928

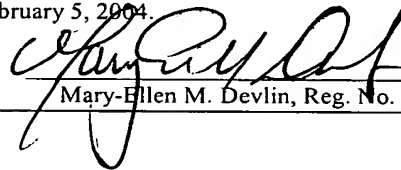
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				Application Number	To be assigned
				Filing Date	February 5, 2004
				First Named Inventor	N. Osterrieder et al.
				Art Unit	1648
				Examiner Name	S.A. Foley
Sheet	2	of	4	Attorney Docket Number	1/1199-1-C1

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
		D. SCHUMACHER ET AL: "Reconstitution of Marek's Disease Virus Serotype 1 (MDV-1) from DNA Cloned as a Bacterial Artificial Chromosome and Characterization of a Glycoprotein B-Negative MDV-1 Mutant" JOURNAL OF VIROLOGY, THE AMERICAN SOCIETY FOR MICROBIOLOGY, US, vol. 74, no. 23, December 2000, pages 11088-11098.		
		M. MESSERLE ET AL: "Cloning and mutagenesis of a herpesvirus genome as an infectious bacterial artificial chromosome" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE, WASHINGTON, US, vol. 94, no. 26, 1 December 1997, pages 14759-14763.		
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		J. Rudolph and N. Osterrieder: "Equine herpesvirustype 1 devoid of gM and gp2 is severely impaired in virus Egress but Not Direct Cell-to-Cell Spread." VIROLOGY, vol. 293, no. 2, 15 February 2002 (2002-02-15), pages 356-367.		
		W. BRUNE ET AL: "Forward with BACs - new tools for herpesvirus genomics" TRENDS IN GENETICS, ELSEVIER, AMSTERDAM, NL, vol. 16, no. 6, June 2000 (2000-06), pages 254-259.		
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		E.A.R. TELFORD ET AL: "THE DNA SEQUENCE OF EQUINE HERPESVIRUS-4" THE JOURNAL OF GENERAL VIROLOGY, ENGLAND MAY 1998, vol 79 (pt5), May 1998, pages 1197-1203.		
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		Neubauer et al. "Equine herpesvirus 1 mutants devoid of glycoprotein B or M are apathogenic for mice but induce protection against challenge infection." Virology, 1997; 239: 36-45	
		T. MATSUMURA ET AL: "Lack of virulence of the murine fibroblast adapted strain, Kentucky a (KyA), of equine herpesvirus type 1 (EHV-1) in young horses" VETERINARY MICROBIOLOGY, AMSTERDAM, NL, vol. 48, no. 3-4, 1996, pages 353-365.	
		A. NEUBAUER ET AL: "Analysis of the Contributions of the Equine Herpesvirus 1 Glycoprotein gB Homolog to Virus Entry and Direct Cell-to-Cell Spread." VIROLOGY. UNITED STATES 20 JAN 1997, vol. 227, no 2, pages 281-294.	
		A. NEUBAUER ET AL: "Die Mutationen im US2- und Glykoprotein B-Gen des Equinen Herpesvirus 1-Impfstammes RacH haben keinen Einfluss auf seine Attenuierung" "Mutations within the US2 and Glycoprotein B genes of the Equine Herpesvirus 1 Vaccine Strain RacH Do not Account for its Attenuation" Berliner und Muenchener Tierärztliche Wochenschrift, Paul Parey, Berlin, De, vol. 112, no. 9, September 1999, pages 351-354.	
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		N. OSTERRIEDER ET AL: "Deletion of gene 52 encoding glycoprotein M or equine herpesvirus type 1 strain RacH results in increased immunogenicity." VETERINARY MICROBIOLOGY, vol. 81, no. 3, 8 August 2001 (2001-08-08), pages 219-226.	
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		M. SUTER ET AL: "BAC-VAC, a novel generation of (DNA) vaccines: A bacterial artificial chromosome (BAC) containing a replication-competent, packaging-defective virus genome induces protective immunity against herpes simplex virus 1." PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE, WASHINGTON, US, vol. 96, no. 22, 26 October 1999, pages 12697-12702	
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		A. MAYR ET AL: "Untersuchungen zur Entwicklung eines Lebendimpfstoffes gegen die Rhinopneumonitis (Stutenabort) der Pferde" JOURNAL OF VETERINARY MEDICINE, SERIES B- ZENTRALBLATT FUER VETERINAERMEDIZIN, REINE B. PAUL PAREY, BERLIN, DE, vol. 15, 1968, pages 406-418.	
		Translation of A. MAYR et al. "Investigations towards the Development of a Live Vaccine against Equine Rhinopneumonitis-1" 1968, pp. 406-418	

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